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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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JUN 29 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Implementation of Section 19 )  
of the Cable Television Consumer )  
Protection and Competition )  
Act of 1992 )  
 )  
Annual Assessment of the )  
Status of Competition in the )  
Market for the Delivery of )  
Video Programming )

CS Docket No. 94-48

COMMENTS

U S WEST Communications, Inc. ("U S WEST"), through counsel and pursuant to the Federal Communications Commission's ("Commission") Notice of Inquiry in the above-captioned proceeding,<sup>1</sup> hereby files its Comments.

The 1992 Cable Act requires that the Commission report annually to Congress on the status of competition in the market for the delivery of video programming.<sup>2</sup> In its Notice, the Commission seeks comment on the appropriate methods for gathering competitive information and the type of information that should be collected.<sup>3</sup> In assessing competition, the Commission seeks information on alternative means/technologies to conventional cable systems for delivering video programming to the home. One

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<sup>1</sup>In the Matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992; Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48, Notice of Inquiry, FCC 94-119, rel. May 19, 1994 ("Notice").

<sup>2</sup>47 USC § 548(g).

<sup>3</sup>Notice ¶¶ 6-11.

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of the alternatives on which the Commission solicits comment is local exchange carrier ("LEC") video dialtone (or "VDT") service.<sup>4</sup>

In its discussion of video dialtone service and competition, the Commission asks commenters to address numerous questions ranging from "What is the appropriate means of comparing prices charged . . . for video dialtone . . . to prices charged . . . for cable?" to "Has the adoption of the Commission's video dialtone policy affected the development of new programming sources?"<sup>5</sup>

The Commission has "the cart before the horse." Not a single video dialtone Section 214 application or VDT tariff for commercial deployment has been approved by the Commission since the Video Dialtone Order was adopted in August of 1992.<sup>6</sup> As a result, it is self evident that LECs have no presence in the market for the delivery of video programming to the home and no meaningful information to provide in response to Commission inquiries.

At this juncture, it is not at all clear how video dialtone will evolve as a service, let alone whether it will be a commercially viable service. Any information U S WEST or any other LEC might provide on video dialtone would be of little use in

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<sup>4</sup>Id. ¶¶ 41-46.

<sup>5</sup>Id. ¶¶ 45-46.

<sup>6</sup>In the Matter of Telephone Company-Cable Television Cross-Ownership Rules, Sections 63.54-63.58, Second Report and Order, Recommendation to Congress, and Second Further Notice of Proposed Rulemaking, 7 FCC Rcd. 5781 (1992) ("Video Dialtone Order"), appeals pending sub nom. Mankato Citizens Telephone Co., et al. v. FCC, Nos. 92-1404, et al. (D.C. Cir. Sep. 9, 1992).

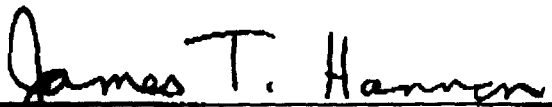
assessing competition at this time. Rather than trying to gather information on the impact VDT might have on competition, the Commission's efforts would be better spent addressing LEC Section 214 applications to provide VDT service.

The Commission should exclude LEC VDT service from its annual report to Congress on competition in the provision of video programming directly to subscribers until such time as LEC VDT service is commercially available. Responses to the Notice's inquiries on video dialtone would be purely speculative and would serve no constructive purpose. Similarly, the Commission should avoid establishing any VDT reporting requirements at this time.

Respectfully submitted,

U S WEST COMMUNICATIONS, INC.

By:



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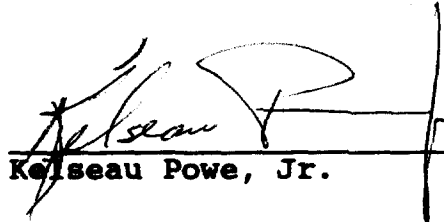
Its Attorney

Of Counsel,  
Laurie J. Bennett

June 29, 1994

**CERTIFICATE OF SERVICE**

I, Kelseau Powe, Jr., do hereby certify that on this 29th day of June, 1994, I have caused a copy of the foregoing **COMMENTS** to be served via hand-delivery upon the persons listed on the attached service list.

  
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